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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,569	03/12/2004	Thomas Lloyd Hiller	2100.005300/HILLER 21-15	6464
7590 Terry D. Morgan Williams, Morgan & Amerson, P.C. Suite 1100 10333 Richmond Houston, TX 77042			EXAMINER YOUNG, JANELLE N	
			ART UNIT 2618	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 01/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/799,569

Applicant(s)

HILLER ET AL.

Examiner

Janelle N. Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. A series of singular dependent claims (Claims 7 & 8) is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Maggenti et al. (US Pub 2002/0094831).

As for Claim 1, Maggenti et al. teaches a method of communication with a dormant wireless unit (Abstract), the method comprising:

paging the dormant wireless unit in response to receiving a request from a first mobile station to transmit a message to the dormant mobile station (Page 1, Para 0010-0013; in respect to Page 7, Para 0098 and Page 20, Para 0252);

receiving a page response signal from the dormant mobile station; and providing an indication-to-speak to the first mobile station in response to receiving the page response signal (Page 10-11, Para 0137 and Page 17, Para 0221 in respect to Page 7, Para 0098 and Page 20, Para 0252).

As for Claim 2, Maggenti et al. teaches a method of communication with a dormant wireless unit, wherein paging the dormant mobile station in response to receiving the request from the first mobile station to transmit a message to the dormant mobile station further comprises paging the dormant mobile station in response to receiving a request from the first mobile station to transmit a PTT; which reads on claimed PoC, message to the dormant mobile station (Abstract; Page 1, Para 0004 & 0010-0013; Page 8, Para 0108 and Page 13, Para 0176-0178).

As for Claim 3, Maggenti et al. teaches a method of communication with a dormant wireless unit, further comprising:

establishing a connection with the dormant mobile station in response to receiving the page response signal (Page 3, Para 0042; Page 4, Para 0052; Page 8-9, Para 0110; Page 15, Para 0193; and Page 20, Para 0257); and

delivering the message over the connection (Page 6, Para 0074-0075 and Page 12, Para 0155 & 0159).

As for Claim 4, Maggenti et al. teaches a method of communication with a dormant wireless unit, wherein establishing the connection with the dormant mobile station in response to receiving the page response signal further comprises establishing a plurality of connections with the dormant mobile station in response to receiving the page response signal (Page 3, Para 0042; Page 4, Para 0052; Page 8-9, Para 0110; Page 15, Para 0193; and Page 20, Para 0257 in respect to Page 7, Para 0098 and Page 20, Para 0252).

As for Claim 5, Maggenti et al. teaches a method of communication with a dormant wireless unit, wherein paging the dormant mobile station in response to receiving the request from the first mobile station to transmit the message to the dormant mobile station further comprises paging the dormant mobile station in response to receiving a request-to-speak from the first mobile station to transmit a voice message to the dormant mobile station. (Abstract; Page 1, Para 0004 & 0010-0013; and Page 8-9, Para 0110 in respect to Page 7, Para 0098 and Page 20, Para 0252).

As for Claim 6, Maggenti et al. teaches a method of communicating with a wireless unit comprising: delivering a request to transmit a message to the wireless unit; and receiving a page-event indication-to-speak (Abstract; Page 1, Para 0004 & 0010-0013; and Page 17, Para 0220 in respect to Page 7, Para 0098 and Page 20, Para 0252).

As for Claim 7, Maggenti et al. teaches a method of communication with a dormant wireless unit, wherein delivering the request to transmit the message to the mobile station further comprises delivering a request to transmit a PTT; which reads on

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claimed PoC, message to a mobile station (Page 3, Para 0043; Page 4, Para 0060 in correspondence with Page 6, Para 0074-0075 and Page 12, Para 0155 & 0159).

As for Claim 8, Maggenti et al. teaches a method of communicating with a wireless unit, wherein delivering the request to transmit the message to the mobile station further comprises delivering a request-to-speak to a mobile station (Page 6, Para 0074-0075; Page 10-11, Para 0137; Page 12, Para 0155 & 0159; and Page 17, Para 0220-0222).

Regarding claim 9, see explanation as set forth regarding claim 1 (method claim) because the claimed apparatus for communication between a first and a second wireless unit would perform the method steps.

Regarding claim 10, see explanation as set forth regarding claim 2 (method claim) because the claimed apparatus for communication between a first and a second wireless unit would perform the method steps.

Regarding claim 11, see explanation as set forth regarding claim 3 (method claim) because the claimed apparatus for communication between a first and a second wireless unit would perform the method steps.

Regarding claim 12, see explanation as set forth regarding claim 4 (method claim) because the claimed apparatus for communication between a first and a second wireless unit would perform the method steps.

Regarding claim 13, see explanation as set forth regarding claim 5 (method claim) because the claimed apparatus for communication between a first and a second wireless unit would perform the method steps.


**Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY  
December 22, 2006

  
12-26-06  
LANA LE  
PRIMARY EXAMINER